

## 1 HOUSE BILL NO. 160

2 INTRODUCED BY D. HAINES

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE AND THE GOVERNOR

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5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FROM THE COAL SEVERANCE TAX  
6 PERMANENT FUND TO THE DEPARTMENT OF JUSTICE FOR TECHNICAL, LEGAL, AND ADMINISTRATIVE  
7 ACTIVITIES FOR THE STATE OF MONTANA NATURAL RESOURCE DAMAGE ASSESSMENT AND  
8 LITIGATION IN THE CLARK FORK RIVER BASIN; REQUIRING REPAYMENT OF THE EXPENDED AMOUNTS  
9 FROM ANY RECOVERY IN THE LITIGATION; AND PROVIDING EFFECTIVE DATES."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 NEW SECTION. **Section 1. Natural resource damage program appropriation.** There is appropriated  
14 to the department of justice from the coal severance tax permanent fund a loan of up to \$650,000 as needed  
15 for the biennium ending June 30, 2005, for the purpose of conducting the natural resource damage assessment  
16 and litigation and pursuing the state of Montana's remaining natural resource damage claims and any appeals  
17 through the natural resource damage litigation program. Any recovery in the litigation for assessment, litigation,  
18 and enforcement costs, up to the amount expended pursuant to this section, must be deposited in the coal  
19 severance tax permanent fund.

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21 NEW SECTION. **Section 2. Loan agreement.** In order to make the loan authorized in [section 1], the  
22 board of investments shall enter into a contract with the department of justice, pledging the amount recovered  
23 in the litigation to the repayment of the loan to the fullest extent allowable under the law. The contract must  
24 provide that the loan repayment be deposited in the coal severance tax permanent fund. To the extent possible,  
25 the board shall make the loan from the portion of the coal severance tax permanent fund invested in the  
26 short-term investment pool. The loan authorized in [section 1] may not be made until the contract required by  
27 this section has become effective.

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29 NEW SECTION. **Section 3. Three-fourths vote required.** Because [section 1] appropriates money  
30 from the coal severance tax permanent fund, Article IX, section 5, of the Montana constitution requires a vote

1 of three-fourths of the members of each house of the legislature for passage.

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3 NEW SECTION. **Section 4. Effective dates.** (1) [Sections 2 and 3 and this section] are effective on  
4 passage and approval.

5 (2) [Section 1] is effective July 1, 2003.

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